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EXAMINER	
YOUNG, JOHN L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/867,207	Applicant(s) Gale et al.
	Examiner John Young	Art Unit 2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *May 29, 2001* .

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *25-48* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *25-48* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) ☐ Interview Summary (PTO-413) Paper No(s). _____
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS—35 USC §101 Statutory Type Double Patenting(Same Invention)

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process . . . may obtain a patent therefor . . ." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal

disclaimer cannot overcome a statutory (same invention)double patenting rejection based upon 35 U.S.C. 101.

2. For example:

Claim 45 of the instant application 09/867,207:

45. Apparatus for managing a real estate unit from a remote location, such apparatus comprising:

a remote processor adapted to access a server from a remote location through a website of the server;

a website adapted to download a set of options regarding the managing of day-to-day operations directly related to use by an occupant of the real estate unit from the website to the remote location;

a cursor adapted to select at least one of the options;

an applet within the remote processor adapted to upload the selected option from the remote location to the server; and

an applications program adapted to execute the uploaded selected option b the server.

Claim 21, Gale et al. application 09/244,960:

21. (Twice Amended) Apparatus for managing a real estate unit from a remote location, such apparatus comprising:

a remote processor adapted to access a server from a remote location through a website of the server;

a website adapted to download a set of options regarding the managing of day-to-day operations directly related to use by a renter of the rental unit from the website to the remote location;

a cursor adapted to select at least one of the options;

an applet within the remote processor adapted to upload the selected option from the remote location to the server; and

an applications program executing the uploaded selected option by the server.

Independent claim 45 and dependent claims 46-48 are rejected in the instant application to Gale et al., under 35 U.S.C. 101 as claiming the same invention as that of claims 21-24 of prior U.S. Application No. 09/244,960 to Gale et al. This is a double patenting rejection.

CLAIM REJECTIONS — 35 U.S.C. §112 ¶1

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Independent claims 45 and dependent claims 46-48 are rejected under 35 U.S.C. 112, first paragraph for the following reasons: The claim language "adapted to. . . ." broadly recites the claim limitations. . . ."; furthermore,

As per claims 45-48, said claims are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a system that accesses a server; downloads a set of options; selects options; and executes selected options, does not reasonably provide enablement for the broad recitation of the intended use of "adapted to. . . ." accesses a server; download a set of options; select options; and execute selected options. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly

connected, to make and use the invention commensurate in scope with claims 45-48. Claims 45-48 are too broad in scope!

CLAIM REJECTIONS — 35 U.S.C. §112 ¶2

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Antecedent Basis and Inferential Claiming

4. Claims 45-48 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

As per claim 45, said claim at least lines 9-13 suffers from inferential claiming, and there is no explicit antecedent basis in the claim for "the selected option. . . ." because claim 45, lines 9-13 does not positively state that an option is selected when it recites "adapted to select. . . .", i.e., it's "adapted to select. . . ." nothing has been selected; therefore, the selection of the option information has been inferentially claimed; and therefore, no definite boundaries have been set on the patent protection sought. (See In re Barr, 444 F.2d 588, 170 USPQ 33 (CCPA 1971) and (See MPEP 2173.05(g) and MPEP 2173.05(e)).

Claims 46-48 are rejected for substantially the same reasons.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Independent claims 25 & 35 and dependent claims 26-34, 36-44 & 46-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Apgar, IV 5,680,305 (10/21/1997) (herein referred to as "Apgar") in view of Keithley 5,584,025 (12/10/19960) (herein referred to as "Keithley") and further in view of Forrest et al. 6,049,781 (4/11/2000) (herein referred to as "Forrest").

As per claim 25, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 14; FIG. 16; col. 4, ll. 24-61; col. 6, ll. 9-21; col. 6, ll. 46-62; and col. 1, ll. 53-58) shows elements that suggest "managing a real estate unit from a remote location, such method comprising the steps of: accessing a server from a remote location through a website of the server; downloading a set of options regarding the managing of day-to-day operations directly related to use by an occupant of the real estate unit from the website to the remote location; selecting at least one of the options; uploading the selected option from the remote location to the server; and executing the uploaded selected option by the server."

Apgar does not explicitly show "accessing a server from a remote location through a website of the server. . . ." even though, Apgar (col. 6, ll. 42-44) suggests "accessing a server from a remote location through a website of the server. . . ."

Keithley (col. 9, ll. 4-27) discloses elements that suggest "accessing a server from a remote location. . . ."

Keithley proposes remote server modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

Forrest (col. 5, ll. 10-24; FIG. 1; and FIG. 13) shows *"LAN 12 may be implemented as a distributed network. . . ."* It would have been obvious to one of ordinary skill in the art at the time of the invention that *"LAN 12 may be implemented as*

a distributed network. . . ." would have been selected in accordance with "a website of the server. . . ." because it was well known in the art at the time of the invention that a website was associated with the Internet which is a distributed network. Furthermore, Forrest (col. 5, ll. 10-24; col. 2, ll. 55-67; FIG. 1; and FIG. 13) proposes website modifications that would have applied to the method of Apgar. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the website modifications of the method of Forrest to the method of Apgar because such modifications would have provided *"the ability to closely track homes. . . ."* (See Forrest (col. 2, ll. 55-67).

As per claim 26, Apgar in view of Keithley and Forrest shows the method of claim 25. (See the rejection of claim 25 supra).

Apgar does not explicitly show "an identifier of a user to the server. . . ."

Keithley (col. 1, ll. 33-45) discloses elements that suggest "transferring an identifier of a user to the server."

Keithley proposes user ID modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

As per claim 27, Apgar in view of Keithley and Forrest shows the method of claim 26. (See the rejection of claim 26 supra).

Apgar does not explicitly show "the identifier further comprises comparing the identifier with an identifier of an authorized user and granting access to a set of files when a match is found."

Keithley (col. 13, ll. 25-42; col. 1, ll. 33-45; col. 9, ll. 38-59; and col. 11, ll. 11-16) discloses elements that suggest "the identifier further comprises comparing the identifier with an identifier of an authorized user and granting access to a set of files when a match is found."

Keithley proposes user ID modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

As per claim 28, Apgar in view of Keithley and Forrest shows the method of claim 27. (See the rejection of claim 27 supra).

Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest "uploading monetary data from a designated financial institution to the server."

Apgar does not explicitly show "uploading monetary data from a designated financial institution to the server. . . ." even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests "uploading monetary data from a designated financial institution to the server. . . ."

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements that suggest "uploading monetary data from a designated financial institution to the server. . . ."

Keithley proposes financial institution modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

As per claim 29, Apgar in view of Keithley and Forrest shows the method of claim 28. (See the rejection of claim 28 supra).

Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest "storing the monetary data in the set of files."

Apgar does not explicitly show "storing the monetary data in the set of files. . . ." even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests "storing the monetary data in the set of files. . . ."

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements that suggest "storing the monetary data in the set of files. . . ."

Keithley proposes storage modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

As per claim 30, Apgar in view of Keithley and Forrest shows the method of claim 25. (See the rejection of claim 25 supra).

Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest "providing a plurality of real estate unit identifiers as options of the set of options."

Apgar does not explicitly show "providing a plurality of real estate unit identifiers as options of the set of options. . . ." even though, Apgar (FIG. 1; FIG. 6; FIG.

7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests "providing a plurality of real estate unit identifiers as options of the set of options."

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements that suggest "providing a plurality of real estate unit identifiers as options of the set of options."

Keithley proposes identifier modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

As per claim 31, Apgar in view of Keithley and Forrest shows the method of claim 25. (See the rejection of claim 25 supra).

Apgar (col. 22, ll. 20-30; col. 26, ll. 45-52; FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; FIG. 21; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest "providing a billing and cash entries selection for a real estate unit as an option of the set of options."

Apgar does not explicitly show "providing a billing and cash entries selection for a real estate unit as an option of the set of options. . . ." even though, Apgar (col. 22, ll.

20-30; FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests "providing a billing and cash entries selection for a real estate unit as an option of the set of options."

Forrest (col. 9, ll. 43-48; col. 1, ll. 40-52; and col. 12, ll. 44-54) shows *"expense and billing information."*

Forrest proposes *"expense and billing information"* modifications that would have applied to the method of Apgar. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the *"expense and billing information"* modifications of the method of Forrest to the method of Apgar because such modifications would have provided *"the ability to closely track homes. . . ."* billing status (See Forrest (col. 2, ll. 55-67).

As per claim 32, Apgar in view of Keithley and Forrest shows the method of claim 25. (See the rejection of claim 25 supra).

Apgar (the ABSTRACT; col. 5, ll. 2-5; col. 5, ll. 12-19; col. 5, ll. 20-53; col. 16, ll. 34-48; and col. 16, ll. 61-63) shows elements that suggest *"a printer or facsimile device to provide a hard copy report. . . ."*

Apgar does not explicitly show "providing a reports selection as an option of the set of options. . . ." even though, Apgar (the ABSTRACT; col. 5, ll. 2-5; col. 5, ll. 12-19; col. 5, ll. 20-53; col. 16, ll. 34-48; and col. 16, ll. 61-63) suggests "providing a

reports selection as an option of the set of options." It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Apgar (the ABSTRACT; col. 5, ll. 2-5; col. 5, ll. 12-19; col. 5, ll. 20-53; col. 16, ll. 34-48; and col. 16, ll. 61-63) would have been selected in accordance with "providing a reports selection as an option of the set of options. . . ." because such selection would have provided a means for *"detailing and summarizing the analysis of the particular real estate."* (See Apgar (col. 16 ll. 45-48).

As per claim 33, Apgar in view of Keithley and Forrest shows the method of claim 25. (See the rejection of claim 25 supra).

Apgar (the ABSTRACT; col. 5, ll. 2-5; col. 5, ll. 12-19; col. 5, ll. 20-53; col. 16, ll. 34-48) shows elements that suggest *"a printer or facsimile device to provide a hard copy report. . . ."*

Apgar (col. 26, ll. 27-29) discloses *"OPERATING EXPENSES . . . utilities. . . ."*

Apgar does not explicitly show "providing a utilities selection as an option of the set of options. . . ." even though, Apgar (col. 26, ll. 27-29) suggests same. It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Apgar (col. 26, ll. 27-29) would have been selected in accordance with "providing a utilities selection as an option of the set of options. . . ." because such selection would have provided a means for *"detailing and summarizing the analysis of the particular real estate."* (See Apgar (col. 216 ll. 45-48).

As per claim 34, Apgar in view of Keithley and Forrest shows the method of claim 25. (See the rejection of claim 25 supra).

Apgar (col. 16, ll. 61-63) shows elements that suggest "providing a system selection as an option of the set of options."

Apgar does not explicitly show "providing a system selection as an option of the set of options. . . ." even though, Apgar (col. 16, ll. 61-63) suggests same. It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Apgar (col. 16, ll. 61-63) would have been selected in accordance with "providing a system selection as an option of the set of options. . . ." because such selection would have provided a means for *"detailing and summarizing the analysis of the particular real estate."* (See Apgar (col. 216 ll. 45-48).

Claim 35 is rejected for the same reasons as claim 25.

Claim 36 is rejected for the same reasons as claim 26.

Claim 37 is rejected for the same reasons as claim 27.

Claim 38 is rejected for substantially the same reasons as claim 28.

Claim 39 is rejected for substantially the same reasons as claim 29.

Claim 40 is rejected for the same reasons as claim 30.

Claim 41 is rejected for the same reasons as claim 31.

Claim 42 is rejected for the same reasons as claim 32.

Claim 43 is rejected for the same reasons as claim 33.

Claim 44 is rejected for the same reasons as claim 34.

6. Independent claim 45 and dependent claims 46-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Apgar, IV 5,680,305 (10/21/1997) (herein referred to as "Apgar") in view of Keithley 5,584,025 (12/10/19960) (herein referred to as "Keithley") and in view of Forrest et al. 6,049,781 (4/11/2000) (herein referred to as "Forrest") and further in view of Hunt et al. 5,893,091 (4/6/1999) (herein referred to as "Hunt").

As per claim 21, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 14; FIG. 16; col. 4, ll. 24-61; col. 6, ll. 9-21; col. 6, ll. 46-62; and col. 1, ll. 53-58) shows elements that suggest an "apparatus for managing a real estate unit from a remote

location, such apparatus comprising: a remote processor adapted to access a server from a remote location through a website of the server; a website adapted to download a set of options regarding the managing of day-to-day operations directly related to the use by an occupant of real estate unit from the website to the remote location; a cursor adapted to select at least one of the options . . . an applications program adapted to execute the uploaded selected option by the server."

Apgar does not explicitly show "a remote processor adapted to access a server from a remote location through a website of the server. . . ." even though, Apgar (col. 6, ll. 42-44) suggests "a remote processor adapted to access a server from a remote location through a website of the server. . . ."

Keithley (col. 9, ll. 4-27) discloses elements that suggest "a remote processor adapted to access a server from a remote location through a website of the server. . . ."

Keithley proposes remote server modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

Forrest (col. 5, ll. 10-24; FIG. 1; and FIG. 13) shows *"LAN 12 may be implemented as a distributed network. . . ."* It would have been obvious to one of ordinary skill in the art at the time of the invention that *"LAN 12 may be implemented as a distributed network. . . ."* would have been selected in accordance with "a website of

the server. . . ." because it was well known in the art at the time of the invention that a website was associated with the Internet which is a distributed network. Therefore, Furthermore, Forrest (col. 5, ll. 10-24; col. 2, ll. 55-67; FIG. 1; and FIG. 13) proposes website modifications that would have applied to the method of Apgar. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the website modifications of the method of Forrest to the method of Apgar because such modifications would have provided *"the ability to closely track homes. . . ."* (See Forrest (col. 2, ll. 55-67).

Apgar does not explicitly show "an applet within the remote processor adapted to upload the selected option from the remote location to the server."

Hunt (FIG. 2; FIG. 3; FIG. 4; FIG. 6; col. 4, ll. 17-28; col. 5, ll. 50-60; col. 6, ll. 31-44; col. 6, ll. 60-67; and col. 7, ll. 1-6) shows elements that suggest "an applet within the remote processor adapted to upload the selected option from the remote location to the server."

Hunt proposes applet modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Hunt to Apgar, because implementation of such modifications would have provided *"users with coherent means for filtering what information is received and intelligently responding to the information. . . ."* (see Hunt col. 4, ll. 17-28); Furthermore,

"Official Notice" is taken that both the concept and the advantages of using "an applet within the remote processor adapted to upload the selected option from the remote location to the server. . . ." were inherent, well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include "an applet within the remote processor adapted to upload the selected option from the remote location to the server. . . ." in the system of Apgar because such identifier means would have provided a way of targeting customized information to individual end users of real estate rental units. (Also see Gale application 09/244,960 Notice of Allowability and the double patenting rejection supra).

As per claim 46, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 45. (See the rejection of claim 45 supra).

Apgar does not explicitly show "the application program . . . comprises a comparator adapted to compare an identifier of an authorized user and granting access to a set of files when a match is found."

Keithley (col. 13, ll. 25-42; col. 1, ll. 33-45; col. 9, ll. 38-59; and col. 11, ll. 11-16) discloses elements that suggest "the application program . . . comprises a comparator adapted to compare an identifier of an authorized user and granting access to a set of files when a match is found."

Keithley proposes user ID modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having

ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

As per claim 47, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 45. (See the rejection of claim 45 supra).

Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest "uploading monetary data from a designated financial institution to the server."

Apgar does not explicitly show "uploading monetary data from a designated financial institution to the server. . . ." even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests "uploading monetary data from a designated financial institution to the server. . . ."

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements that suggest "uploading monetary data from a designated financial institution to the server. . . ."

Keithley proposes monetary modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar,

because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

As per claim 48, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 48. (See the rejection of claim 48 supra).

Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest "a memory adapted to store the monetary data."

Apgar does not explicitly show "a memory adapted to store the monetary data. . . ." even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests "a memory adapted to store the monetary data."

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements that suggest "a memory adapted to store the monetary data."

Keithley proposes storage modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

RELEVANT PRIOR ART

7. The prior art references made of record and not relied upon are considered pertinent to applicant's disclosure:

6,023,687, U.S. Pat. [Feb. 08, 2000] Weatherley et al., 705/38
"METHOD FOR CREATING AND MANAGING A LEASE AGREEMENT." This reference discusses financial institutions related to tracking rental units. (See col. 1, ll. 45-56). Ref. Claims 25-48.

5,978,807, U.S. Pat. [Nov. 02, 1999] Mano et al., 707/10
"APPARATUS FOR AND METHOD OF AUTOMATICALLY DOWNLOADING AND STORING INTERNET WEB PAGES." This reference discusses user accessible downloaded information from web pages. (See the ABSTRACT). Ref. Claims 25-48.

5,161,109, U.S. Pat. [Nov. 03, 1992] Keating et al., 705/410
"UP/DOWN LOADING OF DATABASES." This reference discusses "[a] communication system for processing information for distribution. . . ." (See the ABSTRACT). Ref. Claims 25-48.

6 ,157,943, U.S. Pat. [Dec. 05, 2000] Meyer, 709/203
"INTERNET ACCESS TO A FACILITY MANAGEMENT SYSTEM." This reference discusses Internet facility management. (See the ABSTRACT). Ref. Claims 25-48.

6,020,881, U.S. Pat. [Feb. 01, 2000] Naughton et al., 345/327

"GRAPHICAL USER INTERFACE WITH METHOD AND APPARATUS FOR INTERFACING TO REMOTE DEVICES." This reference discusses accessing and controlling remote home devices. (See the ABSTRACT). Ref. Claims 25-48.

6,115,713, U.S. Pat. [Sep. 05, 2000] Pascucci et al., 707/10

"NETWORKED FACILITIES MANAGEMENT SYSTEM." This reference discusses networked facilities management systems. (See the ABSTRACT). Ref. Claims 25-48.

6,198,479, U.S. Pat. [Mar. 06, 2001] Humpleman et al., 345/329

"HOME NETWORK, BROWSER BASED, COMMAND AND CONTROL." This reference discusses controlling home devices. (See the ABSTRACT) Ref. Claims 25-48.

5,086,385, U.S. Pat. [Feb. 04, 1992] Launey et al., 364/188

"EXPANDABLE HOME AUTOMATION SYSTEM." This reference discusses home automation controller systems. (See the ABSTRACT) Ref. Claims 25-48.

Foreign Patent Document

JP411250124A Japanese Pat. [Sep. 17, 1999] Mimura et al., Go6F 17/60 "ACCOUNTING PROCESSING SYSTEM FOR SUPPORTING REAL ESTATE AGENT." This reference discusses rental unit tracking. (See the ABSTRACT). Ref. Claims 25-48.

Non-Patent Documents

"IBM HELPS RTC AUTOMATE REAL ESTATE TRACKING SYSTEM." Gale Group Newsletter v. 8, n. 8. (20 February 1991) P. 1-2. This reference discusses an automated real estate tracking system. Ref. Claims 25-48.

"Home Works: Integrated Lighting Control System" LUTRON: Residential Systems Division 1993; pp. 1-20. This reference discusses a computer and telephone interface for communicating information to and from central home controllers and computers for monitoring and controlling of home facilities and fixtures. Ref. Claims 25-48.

SMART HOUSE INSTALLER/DESIGNER: The Smart Bridge (Smart Interface Corporation) (1992) pp. 1-7. This reference discusses home controllers and computers for monitoring and controlling home facilities. Ref. Claims 25-48.

CONCLUSION

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Sixth floor Receptionist
Crystal Park II
2121 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

2121 Crystal Drive

Arlington, Virginia.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young

Patent Examiner

November 5, 2001

ERIC W. STAMBER
PRIMARY EXAMINER